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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Scott Watson, et al. Examiner: Grant, Christopher
Serial No. 10/632,003 Group Art Unit: 2611
Filed: July 30, 2003 Docket No. 54317-029600
Title: SYSTEM FOR THE DELIVERY AND DYNAMIC PRESENTATION OF
LARGE MEDIA ASSETS OVER BANDWIDTH CONSTRAINED
NETWORKS

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

Date of Mailing: November 22, 2004

I hereby certify that this correspondence and identified enclosures are being deposited with the United States Postal Service, first class mail, postage prepaid, under 37 CFR 1.8 on the date indicated, and addressed to MAIL STOP: PETITION, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450.


Name: Kelly Simpson

**PETITION TO MAKE SPECIAL UNDER MPEP 708.02 VIII -
ACCELERATED EXAMINATION**

MAIL STOP: PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

Sir/Madam:

Applicants hereby respectfully request that this utility patent application be made special and advanced for examination under 37 CFR 1.102 and MPEP 708.02 VIII. As required:

- a) This petition to make special is accompanied by the \$130.00 fee set forth in 37 CFR 1.17(h);

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- b) A search was conducted by a professional searcher in the European Patent Office in connection with the corresponding PCT application. The claims in the PCT application are of the same or similar scope to the claims of the present application for which special status is requested. In that EPO search, the following class/subclasses were searched:

Classification of Subject Matter:

IPC 7, H04L29/06, H04N7/16, H04N7/173

Fields Searched:

IPC 7, H04L, H04N

Electronic data base consulted during the international search:

EPO-Internal, WPI Data, PAJ, INSPEC, COMPENDEX, IBM-TDB;

- c) Information Disclosure Statements including the references located in the search, as well as other references of which Applicants are aware, are submitted herewith. Copies of each of the references deemed most closely related to the subject matter encompassed by the claims are also submitted herewith;
- d) A discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references, follows;
- e) All of the claims in this case are directed to a single invention; and
- f) If the USPTO determines that all the claims presented are not obviously directed to a single invention, then applicant will make an election without traverse as a prerequisite to the grant of special status.

Please charge the petition filing fee in the amount of \$ 130.00 to Deposit Account No. 50-2638. Authorization is hereby given to charge any additional fees or credit overpayment to Deposit Account No. 50 2638.

Accordingly, it is respectfully requested that the application be accorded special status under 37 CFR 1.102.

Respectfully submitted,

Date: November 22, 2004

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DISCUSSION OF REFERENCES

~~Note that this discussion of the references is not an admission that the references are in fact prior art to the invention, and Applicant expressly reserves the right to challenge any particular references discussed herein on the ground that it does not qualify as prior art per se.~~

1. WO 00/48375 Tobias et al.

Tobias discloses a media distribution system for automating the distribution of streaming media content. According to the method, the distribution of media content over a network is regulated by generating a subscription package that includes a set of distribution rules and one or more encrypted media files; receiving a request to deliver the subscription package to an affiliate server connected to the network; in response to the receiving the request, delivering the subscription package to the affiliate server; and upon receiving requests from clients connected to the network, the affiliate server decrypting one of the one or more encrypted media files and delivering the decrypted media file to the clients based on the set of distribution rules. **This reference does not disclose a method of delivering a media asset over a network upon meeting a predetermined constraint, comprising supplying an asset list over the network to a user device, and delivering the asset corresponding to the asset list, over the network to the user device when a predetermined constraint is satisfied.**

2. WO 01/98920 Mayer

Mayer discloses a method and system wherein some segments of at least one program are downloaded from a central location and/or pre-stored in a memory at the premises of the customer. When the customer activates a request, the remaining (complementary) segments of the requested program are streamed over the network from a designated server to the customer's device, where they are combined with the first, pre-stored segments, and rendered by the device to provide the consumer with an immediate, high-quality program experience. **This reference does not disclose a method of delivering a media asset over a network upon meeting a predetermined constraint, comprising supplying an asset list over the network to a user device, and delivering the asset corresponding to the asset list, over the network to the user device when a predetermined constraint is satisfied.**

3. EP 1 189 403 Hameleers, et al.

Hameleers discloses a method and an apparatus for exchanging capability information in a telecommunication system between a server and a peripheral unit. In the method variable capability information, i.e. information that is related to a user equipment in particular for example free memory space, free processor capacity, available operating system and available software, are provided as well as capability information as known by a person skilled in the art. The invention further relates to a method using said information for making a distribution

decision. **This reference does not disclose a method of delivering a media asset over a network upon meeting a predetermined constraint, comprising supplying an asset list over the network to a user device, and delivering the asset corresponding to the asset list, over the network to the user device when a predetermined constraint is satisfied.**

4. EP 1 193 920 Del Val, et al.

Del Val discloses methods and arrangements that integrate media streaming and Quality of Service (QoS) supportive protocols, such as e.g. Real-Time Streaming Protocol (RTSP) and Resource Reservation Protocol (RSVP), respectively, in a manner that significantly reduces a sessions startup latency as well as providing a higher quality of service that is experienced by an end user. The methods and arrangements selectively initiate the streaming of the media data as soon as possible, perhaps at an initially lower QoS, while simultaneously setting up a more desirable or applicable guaranteed QoS path. The methods and arrangements can be implemented in an intelligent manner to dynamically and/or selectively modify the streaming media in response to dynamic QoS capability may be setup during an existing streaming operation, and the streaming operation modified accordingly once the new QoS setup has been completed. The methods are arrangements can provide such capabilities without significantly disturbing the user's experience. **This reference does not disclose a method of delivering a media asset over a network upon meeting a predetermined constraint, comprising supplying an asset list over the network to a user device, and delivering the asset corresponding to the asset list, over the network to the user device when a predetermined constraint is satisfied.**

5. WO 02/052852 Heron, et al.

Heron discloses digital television receiving equipment with access to the Internet for downloading multimedia material relevant to a forthcoming television broadcast. This means that the multimedia material is locally cached for near instantaneous user access by a viewer during the actual television broadcast therefore avoiding any delay that could otherwise occur if real-time access to the Internet were to be attempted. Information on advance television broadcasts may be made available to the receiving equipment by an electronic program guide. The electronic program guide may include references to information located on the Internet relevant to forthcoming television broadcasts. **This reference does not disclose a method of delivering a media asset over a network upon meeting a predetermined constraint, comprising supplying an asset list over the network to a user device, and delivering the asset corresponding to the asset list, over the network to the user device when a predetermined constraint is satisfied.**